

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHERYL KATER, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

CHURCHILL DOWNS INCORPORATED, a  
Kentucky corporation,

Defendant.

Case No. 15-cv-00612 MJP

**STIPULATED MOTION AND  
~~PROPOSED~~ ORDER REGARDING  
PLAINTIFF'S DEADLINE TO FILE  
MOTION FOR CLASS CERTIFICATION**

NOTE ON MOTION CALENDAR:  
October 14, 2015

Plaintiff Cheryl Kater ("Plaintiff") and Defendant Churchill Downs Incorporated ("Defendant"), pursuant to Fed. R. Civ. P. 6(b), hereby respectfully move the Court to enter an Order continuing Plaintiff's deadline to file a motion for class certification until the parties' initial status conference, during which the parties can discuss a briefing schedule and submit proposals in their joint status report. In support of the instant motion, the parties state as follows:

1. Plaintiff filed her class action complaint on April 17, 2015. (Dkt. 1.)
2. Pursuant to Local Rule 23(i)(3), Plaintiff's deadline to file a motion for class certification is October 14, 2015.
3. On June 30, 2015, Defendant filed its motion to dismiss (Dkt. 24), which the parties completed briefing on September 18, 2015. (Dkts. 32, 35.)

1           4.       Given the early stage of the case and complexity of the issues presented in the  
2 complaint, and in the interests of judicial economy, the parties stipulated to extend their deadlines  
3 to participate in a Rule 26(f) conference, exchange initial disclosures, and file a joint status report  
4 and discovery plan until the Court has had an opportunity to rule on Defendant's motion, which  
5 this Court entered on September 17, 2015. (Dkts. 33, 34.)

6           5.       Because Plaintiff has not yet had the opportunity to conduct discovery and the  
7 Court is required to conduct a "'rigorous analysis' of each Rule 23(a) factor when determining  
8 whether plaintiffs seeking class certification have met the requirements of Rule 23," *see Ellis v.*  
9 *Costco Wholesale Corp.*, 657 F.3d 970, 980 (9th Cir. 2011), Plaintiff requires an extension of her  
10 deadline to file a motion for class certification.

11           6.       Plaintiff has conferred with Defendant and Defendant does not oppose Plaintiff's  
12 request to continue Plaintiff's deadline to file a motion for class certification until the parties'  
13 initial status conference, at which time the parties can discuss a briefing schedule and submit  
14 proposals for inclusion in the joint status report.

15           7.       Based on the foregoing, good cause exists to grant the instant motion and the relief  
16 requested is not sought for any improper purpose.

17           The parties respectfully ask the Court to enter an Order continuing Plaintiff's deadline to  
18 file a motion for class certification until a date to be determined at the parties' initial status  
19 conference and as reflected in the parties' joint status report.

20 Dated: October 14, 2015

Respectfully submitted,

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*Counsel for Plaintiff*

Dated: October 14, 2015

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### ORDER

Based upon the above-stipulated motion, the Court hereby continues Plaintiff's deadline to file a motion for class certification until the parties' initial status conference, during which the parties can discuss a briefing schedule and submit proposals in their joint status report.

DATED this 15<sup>th</sup> day of October, 2015

  
THE HON. MARSHA J. PECHMAN  
UNITED STATES DISTRICT JUDGE

1 Presented by:

2 Cliff Cantor, WSBA # 17893

3 Law Offices of Clifford A. Cantor, P.C.

4 One of Counsel for Plaintiff

5 **Certificate of Service**

6 I certify that, on the date stamped above, I filed this document with the Clerk of the Court  
7 using the CM/ECF system, which will serve all parties by emailing notice of the filing to their  
8 counsel of record.

9 s/ Cliff Cantor, WSBA # 17893